

REMARKS

Reexamination and reconsideration of the application as amended are requested. Claim 11 has been rewritten in independent form.

The examiner's rejection of claim 11 as anticipated, under 35 U.S.C. 102, or as obvious, under 35 U.S.C. 103, is respectfully traversed. The examiner rejects this claim as being unpatentable over Ingle (US 6,216,704).

Claim 11 requires that the controller reduce ultrasound acoustic power based on receiving an indication of an onset in the patient tissue of a transient, ultrasound-attenuating effect and requires that such effect be indicated by an inception of a proximal hyperechoic region of the patient tissue with distal ultrasound attenuation. Thus, claim 11 requires that the controller reduce ultrasound acoustic power based on receiving an indication of an inception of a proximal hyperechoic region of the patient tissue with distal ultrasound attenuation.

Ingle requires that the controller reduce ultrasound acoustic power based on the generation of harmonics or subharmonics of the fundamental carrier frequency (see column 25, lines 48-52). Ingle does not base his power reduction on an indication of an inception of a hyperechoic region of the patient tissue with or without distal ultrasound attenuation.

It is noted that the particular hyperechoic spot in the first experiment discussed in paragraph [0033] of the specification did indicate a region of tissue exhibiting an ultrasound-attenuating effect. However, every hyperechoic spot need not indicate such a region. For example, a hyperechoic spot can be caused by an electronic artifact appearing in the ultrasound echo image. The electronic artifact would not indicate a region exhibiting a transient, ultrasound-caused, ultrasound-attenuating effect. To be certain that such a region exists, you would need an indication of an inception of a proximal hyperechoic region of the patient tissue with distal ultrasound attenuation.

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Amendment

Inasmuch as each of the rejections has been answered by the above remarks and amended claims, it is respectfully requested that the rejections be withdrawn, and that this application be passed to issue.

Respectfully submitted,

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